

CONSERVATION COMMISSION
REGULAR MEETING NOVEMBER 15, 2011

E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:00 p.m. and noted Commissioners Igielski , Shapiro and Zelek were present. Also present were Alternate Turgeon and Chris Greenlaw, Town Engineer.

NOTE: Chairman Block designated that Alternate Turgeon would vote for Commissioner Forte.

ITEM III
ACCEPTANCE OF MINUTES

Regular Meeting of September 20, 2011

Recording Secretary Peter Arburrr asked Chairman Block if the Town Attorney had been consulted on the process that would be followed to amend the verbatim section of the September 20, 2011 minutes?

Mr. Chris Greenlaw, Town Engineer, responded that another Town Official reviewed the question with the Town Attorney. The Town Attorney responded that the changes should be read into the record at an open meeting.

NOTE: The out line manifested below was provided by Mr. Greenlaw following a consultation with Mr. Edmund Meehan, his Department Head.

Commissioner Zelek noted on bottom of Page 5---The remark by him should read "Commissioner (Alternate) asked if there was.....as narrow as possible."

Commissioner Zelek entered the following corrections into the record relative to the verbatim section of the minutes:

Page 7, Line 1---"Perhaps this is the reason I'm" = "Throughout this list of reasons I will be"

Page 7, Line 2---"dated" = "data"

Page 7, Line 3---"entitled" = "titled"

Page 7, Line 8---“make” = “have made”

Page 8, Line 4---“Addtional” = “Additionally,”

Page 8, Line 5---“(inaudible)”= “Calhoun and Klemens 2002”

Page 8, Line 6---“the” = “that a”

Page 8, Line 8---“(inaudible)” =”stand”

Page 8, Line 14--“application” = “applicant”

Page 8, Line 15--“was (inaudible) = “has chosen to remove”

Page 8, Line 16--insert after “proposed” = “to be filled in”.

Page 8, Line 16--“(inaudible) = “DRUH”

Page 8, Line 17--“(inaudible)” = “ecologist Jodi Chase”

Page 8, Line 18--remove “its uses”

Page 8, Line 19-- “drinking” = “breeding”

Page 8, Line 19--“under the” = “in the herpetological”

Page 8, Line 19--“(inaudible) = “Page thirty”

Page 8, Line 22--“The” = “Removing the”

Page 8, Line 24--“to” = “no”

Page 8, Line 26--“Impact to (inaudible)” = “the impact of blasting”

Page 8, Line 26--“and (inaudible)” = “as a full blasting report”

Page 8, Line 28--“four” = “40”

Page 8, Line 29--“(inaudible)” = “affects of blasting”

Page 8, Line 29--“convicted” = “predicted”

Page 8, Line 30--“to it including a natural” = “that imposes a financial”

Page 8, Line 32--“various” = “these”

Page 8, Line 38--“applicant should (inaudible)” = “application should go to appeal”

Page 8, Line 39--“an additional bond responsible for delivering a” = “that the judicial body responsible for deliberating the”

Page 15---Top of Page, the remark by him should read “Commissioner Zelek: I vote no based on the comments I made earlier, I don’t....of the Town of Newington and the applicant has not performed....in the CERT report.”

Chairman Block entered the following corrections into the record relative to the verbatim section of the minutes:

Page 9, Line 3---“(inaudible)” = “mountain slope”

Page 9, Line 7---“(inaudible)” = “perched”

Page 9, Line 19--remove “I (inaudible)”

Page 9, Line 19--“as” = “is sensitive”

Page 9, Line 26--“(inaudible) to” = “concerns in”

Page 9, Line 27--“displaced” = “addressed”

Commissioner Igielski noted in the middle of Page 1, Correction “C” should read “Top of Page 13---He noted Remark “B” (“E”)....moving to Rocky Hill.”

Commissioner Igielski entered the following corrections into the record relative to the verbatim section of the minutes:

Page 13---Middle of Page “permanent by (inaudible)” = “permit by Plenary Ruling”

Page 14---Condition C.3 “thirty-five” = “a period of five (5)”

Page 14---Condition C.4, Line 3---“and” = “in”

Page 14---Condition C.4, Line 4---“that” = “with”

Page 14---Condition D, Line 1---“that given” = “to be used for”

Page 14---Condition D, Line 1---“be consistent” = “shall consist of”

Page 14---Condition D, Line 2---“required” = “provided”

Page 14---Condition D, Line 3---“for” = “from”

Page 14---Condition D, Line 4---add at end of line “and approved by the Town Engineer.”

Page 14---Condition E, Line 1---“are to” = “will”

Page 14---Condition E, Line 3---remove “and”

Page 14---Condition F, Line 1---“barrier” = “area”

Page 14---Condition F, Line 1---“wetlands” = “wetland”

Page 14---Condition F, Line 3---“from” = “of”

Commissioner Shapiro noted on Page 9, remark by Chairman Block, Line 9 ---“insilting” = “silt”

Mr. Greenlaw noted on top of Page 13, remark by him should read “We can work ...curtain, or ring (rain) around pipes...so they design it.”

Motion made by Commissioner Igielski to accept the minutes as amended and was seconded by Commissioner Shapiro. There was no discussion. Vote was 4 yes, 0 no, 1 abstention (Turgeon) and the motion was carried.

Regular Meeting of October 18, 2011

Commissioner Igielski noted a quorum of Commission members present at the October 18th meeting are not present at tonight’s meeting.

Motion made by Commissioner Igielski to carry the minutes of the October 18th meeting, due to the lack of a quorum, over to the December meeting and was seconded by Commissioner Zelek. There was no discussion. Vote was 4 yes, 0 no and 1 abstention (Turgeon) and the motion was carried.

ITEM VA

Chairman Block-New Initiative (Evasive Plants)

Chairman Block entered the following remarks into the record:

- A. While driving around Town, he observed a lot of evasive plants. He did not identify the plants or evaluate how they might be affecting the wetland (s).
- B. He noted that the data could be collected as part of a project conducted by high school students and/ or Boy Scouts. Town properties would be done first and then possibly the rest of the Town to see what is out there. The Town as part of a program could consider an ordinance and/or the seeking of grants

- C. He noted that in his opinion probably 99% of the plants around Mill Pond may be evasive in nature. Elimination of these plants around the pond would make existing species more enticing to the natural vegetation. Nothing is planned to be done at this time.
- D. He suggested that Commission members give the matter some thought. He requested that the matter be brought up at next month's meeting.

ITEM VI A

Application 2011-08, 8 Barn Hill Lane

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

Mr. Greenlaw noted that two (2) members of the Commission present tonight were not in attendance at last month's meeting and four (4) yes votes would be required to issue a permit. He noted it would be appropriate that an over view of the application be presented to bring the two (2) Commission members up to date.

Mr. John Zaczyk of Carolyn Pools, and representing the applicant, entered the following remarks into the record:

- A. The size of the pool would be 22 feet by 30 feet in size.
- B. The corner of the pool would be located 5.5 feet from the 50 foot wetland (zoning) buffer.
- C. The pool would have a 3 foot wide concrete edge.
- D. A silt fence would be installed one (1) foot outside of the 50 foot wetland (zoning) buffer.
- E. All excess excavated material would be moved off site.

Mr. Greenlaw entered the following remarks into the record:

- A. All activities would occur outside of the 50 foot zoning wetland buffer.
- B. All activities would occur within the 100 foot upland review area, which represents the area that is regulated by the Conservation Commission under its Regulations.
- C. The existing house lies within the 100 foot upland review area.

Commissioner Shapiro and Alternate Turgeon said they have read the minutes for the past two (2) meetings (and together with the presentation made tonight) feel they are qualified to vote on the application.

Commissioner Igielski noted that the Commission took the following actions at the October meeting:

A. A determination was made that the application was complete.

B. A determination was made that the application did not require a public hearing.

Mr. Greenlaw passed out a copy of the same suggested conditions that were passed out last month for review by Commission members.

Commissioner Shapiro asked if there were any changes? Mr. Greenlaw responded no.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2011-08 and subject to conditions. Motion was seconded by Alternate Turgeon. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

NOTE: Refer to audio tape or "Official Notification of Action" for conditions of the permit.

ITEM VI B

Report by Administrative Officer-CT General Assembly (Amended Inland Wetlands & Watercourses Act)

Back Ground Information

Mr. Greenlaw noted that a copy of the correspondence received from DEEP was related to legislation passed; namely Public Acts 11-5 and 11-184, during the last session of the general assembly. These Acts dealt with the time extension of (Summary, Plenary and General) Permits issued by the Commission.

Mr. Greenlaw noted that these Acts, in his opinion, would extend an existing permit approved between prior to May 9, 2011 from five (5) years to fourteen (14) years and a new permit would have a life span of nine (9) years.

A number of questions arose from Commission members during a discussion of the matter relative to the time extensions for permits outlined on the DEEP communication.

Mr. Greenlaw was directed to seek clarification from DEEP. (End of Background Information)

Mr. Greenlaw said that he had a follow up telephone conversation with Ms. Darcy Winter at DEEP relative to the questions raised by Commission members. The results of the telephone conversation are summarized below:

A. A permit issued by the Commission prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period of not less than nine (9) years after the date of the original approval.

B. A permit that would expire between May 10, 2011 and June 30, 2011---There would be no change in the current status of the permit.

- C. Permits issued after May 10, 2011---Permit would be valid for a period between two (2) and five (5) years unless it is extended by the Commission.

Mr. Greenlaw said it would be his intention to attach copy of the DEEP letter to the Regulations.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

- A. Mr. Greenlaw reported that all Commission members had not signed the resolution recognizing former Town Engineer, Mr. Anthony Ferraro. Chairman Block directed Mr. Greenlaw to send out one (1) more e-mail to remaining members with a dead line.
- B. Mr. Greenlaw noted that Ms. Kathleen Clark has been appointed as an Alternate' Commissioner.
- C. Mr. Greenlaw noted that Alternate Ray Harlow has resigned from the Commission.
- D. Mr. Greenlaw passed out the Fall 2011 edition of "The Habitat" to Commission members.

Motion made by Commissioner Igielski to adjourn meeting at 8:15 p.m. and was seconded by Commissioner Zelek. There was no discussion. Vote was 5 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager John Salamone

Edmund Meehan, Town Planner

Councilor Myra Cohen

Chairperson, Town Plan and Zoning

Ben Ancona Jr., Town Attorney

Chris Greenlaw, Town Engineer

Lucy Robbins Wells Library (2)